

REMARKS

The rejection of claims 1-4 under 35 USC 103(a) as being unpatentable over Akiyama et al (USP 6,560,024) in view of Nakamura et al (USP 5,880,828) is respectfully traversed.

Applicant has amended claim 1 to clearly distinguish the subject invention from the cited references. In doing so, applicant has incorporated into claim 1 the feature of the correction value memory unit as originally set forth in claim 3 and defines the multiple light sources to include a side light source and a slit light source as originally set forth in claim 5. The correction value memory unit stores multiple digital correction values in the form of a table for each lighting source and for the different lighting conditions of each light source. The analysis unit corrects shading resulting from the image data based upon the correction values stored in the table for each pattern of different lighting state switched by the head unit. Accordingly, the subject invention will memorize digital correction values and correct the shading for both the side light source and the slit light source corresponding to the lighting conditions of each light source.

The system taught in claim 1 is not taught in any of the subject references. Instead, the Examiner continues to refer to the drawings in Akiyama but not to the description in Akiyama. Akiyama does not teach performing shading correction based upon correction values in a table of digital correction values for each light source and for each lighting condition of each light source stored in a memory unit. As explained in the subject application, the digital correction values for each lighting source correspond to different multiplication values of brightness which have been measured from light irradiated from the subject light sources. The Examiner refers to Akiyama and alleges that Akiyama teaches all of the features of the claimed invention except for the array of RGB images. However, the Examiner makes reference only to the figures in Akiyama without referring to corresponding description in the specification of Akiyama to support the naked allegations. To the contrary, Akiyama does not teach a correction value memory unit for storing multiple digital correction values for each lighting source and the different lighting condition of each lighting source. Akiyama also does not teach an

analysis unit for correcting shading resulting from the image data based upon the stored correction values in the table. 35 USC 103 does not allow for a rejection based only on reference to drawings. The Examiner states that based upon the units shown in the drawings, it would be obvious for anyone to combine the inspection apparatus with an analysis unit for correcting shading. Applicant simply does not understand how one can be motivated to accomplish the functions described in the claims based simply on reference to the figures.

For all of the reasons given heretofore, claim 1 as amended is clearly patentable over the references of record taken individually or in combination. Moreover, the Examiner refers to the reference Hanabusa, et al which may be of record from an earlier rejection but which was not included in the rejection of the claims. Accordingly, the rejection of the claims cannot be based upon the teaching in Hanabusa, et al unless the Examiner wishes to remove the final rejection and give us a new rejection which includes the Hanabusa, et al reference in the rejection.

The rejection of claims 5-6 under 35 USC 103(a) as being unpatentable over Akiyama, et al in view of Hanabusa, et al and Nakamura, et al as applied to claims 1-2 and further in view of Kishimoto, et al (USP 4,978,224) is respectfully traversed. In the first place, since Hanabusa, et al was not properly included as part of the rejection of claims 1-4, it cannot be used as a cited reference without first removing the final rejection and issuing a new rejection. Accordingly, for this reason alone, the rejection of claims 5 and 6 must be withdrawn and either a new rejection issued or the claims must be allowed.

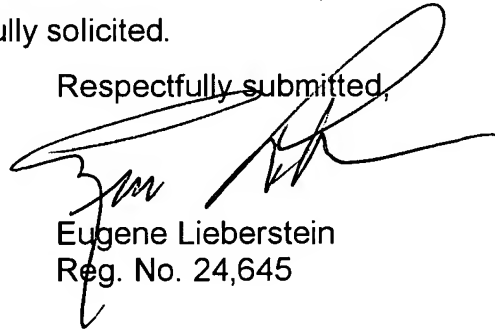
In addition, claim 5 has been cancelled and the substance thereof incorporated into claim 1. Claim 6 is a dependent claim which depends from claim 2. Once again, the Examiner makes the statement that Akiyama discloses all of the features of the claimed invention except for a slit light source which projects a slit light at an angle wherein the head control unit alternately switches the said slit light source for lighting said surface. The Examiner does not refer to the specification of Akiyama and instead relies only on the drawings in Akiyama. The Examiner must explain the differences between the teaching in Akiyama and the claims for each of the features based on support in the description of Akiyama. The Examiner has not shown where in the

description of Akiyama the functionality as described in claim 1 is taught or suggested. Accordingly, the rejection of claim 1 which includes the features of claim 5 is considered allowable for this reason alone. Moreover, Kishimoto, et al does not teach the use of a digital correction value unit for memorizing multiple digital values for correcting shading for each pattern formed by a side and slit light source respectively and for each lighting condition of each light source. Nor does Kishimoto teach an analysis unit for correcting shading based on the multiple digital correction values stored in the table as defined in claim 1. The analysis unit 13 as shown in Figure 1 of Nakamura, et al is not described in Nakamura as providing the function of correcting shading of image data based upon multiple correction values stored in a table of the correction value memory unit. The unit 132 of Figure 1 in Nakamura is not a correction value memory unit for storing multiple digital correction values in the form of a table for each lighting source.

For all of the reasons given heretofore, claims 1, 2, 3 and 6 are believed patentable and the rejection thereof should be withdrawn.

Reconsideration of the rejection is respectfully solicited.

Respectfully submitted,

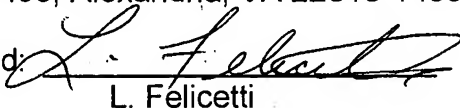


Eugene Lieberstein
Reg. No. 24,645

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 9, 2006.

Signed:


L. Felicetti

Dated: November 9, 2006